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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/736,493

12/15/2003

Kenneth P. Reeve

BSC-168DV

3812

21874 7590 05/03/2007  
EDWARDS ANGELL PALMER & DODGE LLP  
P.O. BOX 55874  
BOSTON, MA 02205

EXAMINER
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BLANCO, JAVIER G

ART UNIT	PAPER NUMBER
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3738

MAIL DATE	DELIVERY MODE
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05/03/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/736,493

12/16/2003

Reever, Kenneth

BSC-168DV

EXAMINER

J. G. Blanco

ART UNIT	PAPER
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3738

20070423

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment of claims 7, 10, 12, and 15 in the reply filed on February 14, 2007 is acknowledged.
2. Applicant's cancellation of claims 8, 13, 16, and 17 in the reply filed on February 14, 2007 is acknowledged.
3. Applicant's addition of claim 18 in the reply filed on February 14, 2007 is acknowledged.

### *Terminal Disclaimer*

4. The terminal disclaimer filed on February 14, 2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6,685,745 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### **Non-Responsive Amendment**

5. The reply filed on February 14, 2007 are not fully responsive to the prior Office Action because of the following omission(s) or matter(s):
  - a. With regards to independent claim 7 (the only independent claim in the instant application), newly added claim limitation "*a channel disposed between the external surface and the internal surface*" is drawn towards **non-elected** species D which is embodied in Figure 8C (see Election of Species Requirement mailed on July 31, 2006). As stated in paragraph 0054 of the instant application: "*In another embodiment, shown in FIGS. 8C-8E, the ports 115 may be in fluid communication with a fluid channel 190 located between the external surface 126 and the*

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*internal surface 128 of the first segment 120. The fluid channel 190 extends within a region of the first segment 120 labeled F in FIG. 8A. FIG. 8C is a cross-sectional view of the first segment 120 taken along a line within this region, and FIGS. 8D and 8E are cross-sectional views taken along lines that are distal and proximal to this region, respectively. The medical professional may coat the external surface 126 by injection of the agent into an inlet channel 185 that extends from the distal end 124 of the first segment 120 to the fluid channel 190.”*

b. The Applicant elected (see Response filed on August 30, 2006), with traverse, to prosecute Species C (embodied in Figure 8A).

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javier G. Blanco whose telephone number is 571-272-4747. The examiner can normally be reached on M-F (9:30 a.m.-7:00 p.m.), first Friday of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (571) 272-4754. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and After Final communications. Any inquiry of a general nature or relating to

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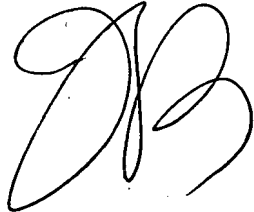
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the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Javier G. Blanco

April 23, 2007

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke.A smaller, more fluid handwritten signature in black ink, with a prominent initial 'D' and a long, sweeping horizontal stroke.

**David H. Willse**  
**Primary Examiner**